

Reference 46

TEXAS AIR CONTROL BOARD

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AUSTIN, TEXAS 78723
512/451-5711

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April 23, 1987

Air Quality Control Region 5
5602 Old Brownsville Road
Corpus Christi, Texas 78415
512/289-1696

CERTIFIED MAIL

Mr. Claude Richey
Plant Manager
Falcon Refining Company
7322 Southwest Freeway, Suite 850
Houston, Texas 77074

Dear Mr. Richey:

As you are well aware, this office received a number of complaints concerning odor from your facility at Ingleside. Investigations conducted on April 9 and 10, 1987, confirmed that a nuisance condition existed and that the source of the odor was a break in an elevated pipeline and the resulting spill on the ground under the piperack. The nature of the situation was related to you in a telephone call from the undersigned on April 10, 1987.

Creation of a nuisance condition is a violation of Texas Air Control Board General Rule 101.4. The Texas Clean Air Act provides a variety of enforcement alternatives which are summarized in the attachment to this letter.

We are aware that you applied a pipe clamp to the pipe to stop the leak, but investigations on April 20 and 21, 1987, did not indicate any apparent effort to remove the spilled material which was still creating an odor problem. Mr. Bernie Duncan of ARM Refining agreed to cover the spill and did so on April 22.

This office is extremely concerned that the potential exists for similar incidents as long as materials remain in the pipelines, process units, wastewater system, etc., at the refinery. A written response is requested within ten (10) days which describes your proposed actions, along with a

ATTACHMENT



Celebrating 150 Years of Texas Independence 1836 - 1986

46 001

22-596536000-28200221596

Mr. Claude Richey

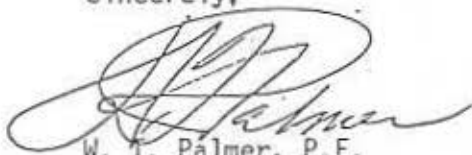
-2-

April 23, 1987

schedule for those actions, which will prevent the recurrence of odor nuisance conditions. Since you do not maintain a staff in Ingleside, you should also address your proposal for a more timely response than was demonstrated in this particular situation.

If you have any questions, please contact the undersigned or Mr. Ed Kasprzyk of this office.

Sincerely,



W. T. Palmer, P.E.
Regional Director

Attachment

cc: Compliance Division

Ms. Christine March
Post Office Box 2879
Lafayette, Louisiana 70502

ATTACHMENT

BOLDFACED ITEMS ARE REQUIRED

☒ Add
☐ Change
☐ Delete

INVESTIGATION FORM
 Basic Information

DISTRIBUTION:
 White - Region/Local Program
 Canary - Keypunch/Region
 Pink - Investigator/Keypunch

Account Number SD 0050N Account Name: ENERGY FRC Refining Co.
 Date of Investigation (as MMDDYY) 040987 Off Hours (Y or N) N
 Investigator Staffcode EJK1
 Primary Investigator Juriscode 050 Other Juriscode 1 _____ Other Juriscode 2 _____
 Site Name/Location: FM 2725 AIR FORCE RD. NORTH TULSA, OK

Investigation Information

Investigation Number 213122A
 Related Previous Investigation Number _____
 Situation Number _____ (FOR COMPLIANCE DIVISION ONLY)
 Federal Program (Y or N): NSPS NESHAP N
 *Investigation Type COSV In-House Investigation (Y or N) N **EPN
 Comment COMPLAINT NO. 050870039-000R, NOV 10 1987
SENCE 000R

*** FOR RECORDING REVIEWS OF COMPANY-SUBMITTED REPORTS ONLY ***

Date Test Conducted _____ (as MMDDYY) Date Report Received _____

*Analysis Review Results _____

Investigation Information

ATTACHMENT

Investigation Number 213122A
 Related Previous Investigation Number _____
 Situation Number _____ (FOR COMPLIANCE DIVISION ONLY)
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 *Investigation Type COSV In-House Investigation (Y or N) N **EPN
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 Situation Number _____ (FOR COMPLIANCE DIVISION ONLY)
 Federal Program (Y or N): NSPS NESHAP N
 *Investigation Type COSV In-House Investigation (Y or N) N **EPN
 Comment COMPLAINT NO. 050870039-000R, NOV 10 1987

*** FOR RECORDING REVIEWS OF COMPANY-SUBMITTED REPORTS ONLY ***

Date Test Conducted _____ (as MMDDYY) Date Report Received _____

*Analysis Review Results _____

*See Back for Valid Codes

**Enter EPN For Investigation Types Indicated On Back With An *

Investigator Signature: Ed J. Keypunch Date: 04-13-87Approved By: Dick Hinman Date: 4-28-87

2239053600420200220513

BOLDFACED ITEMS ARE REQUIRED

☒ Add
☐ Change
☐ Delete

VIOLATION FORM

DISTRIBUTION:
 White - Region/Local Program
 Canary - Keypunch/Region
 Pink - Investigator/Keypunch

Basic Information

Account Number SD0054N Account Name: FRC ENERGY COMPANY
 Investigation Number 213128A Date Investigated: 04/09/87

Violation Information

Local Ordinance (Y or N) N

Violation Number _____ (REQUIRED FOR CHANGES/DELETES ONLY)

Situation Number _____ (FOR COMPLIANCE DIVISION ONLY)

*Cause/Description LEAK EM A REFINERY PIPE

Rule Violated 101-4 Contamcode 58400

Fill in the Following Applicable Items:

Permit Number _____ Permit Provision _____

Board Order Number _____ Court Order Number _____

CFR Subpart _____

FIN Involved _____ Facility Name (optional) REFINERY PIPE LEAK

Violation Type N (C=Clerical, N=Non-Clerical, I=Imminent Danger)

Date NOV Sent (as MDDYY) 042487

Date NOV Received (as MDDYY) _____ (DEFAULTS TO 5 DAYS AFTER DATE NOV SENT)

Violation Information

Local Ordinance (Y or N) _____

Violation Number _____ (REQUIRED FOR CHANGES/DELETES ONLY)

Situation Number _____ (FOR COMPLIANCE DIVISION ONLY)

*Cause/Description _____

Rule Violated _____ Contamcode _____

Fill in the Following Applicable Items:

Permit Number _____ Permit Provision _____

Board Order Number _____ Court Order Number _____

CFR Subpart _____

FIN Involved _____ Facility Name (optional) _____

Violation Type _____ (C=Clerical, N=Non-Clerical, I=Imminent Danger)

Date NOV Sent (as MDDYY) _____

Date NOV Received (as MDDYY) _____ (DEFAULTS TO 5 DAYS AFTER DATE NOV SENT)

Violation Information

Local Ordinance (Y or N) _____

Violation Number _____ (REQUIRED FOR CHANGES/DELETES ONLY)

Situation Number _____ (FOR COMPLIANCE DIVISION ONLY)

*Cause/Description _____

Rule Violated _____ Contamcode _____

Fill in the Following Applicable Items:

Permit Number _____ Permit Provision _____

Board Order Number _____ Court Order Number _____

CFR Subpart _____

FIN Involved _____ Facility Name (optional) _____

Violation Type _____ (C=Clerical, N=Non-Clerical, I=Imminent Danger)

Date NOV Sent (as MDDYY) _____

Date NOV Received (as MDDYY) _____ (DEFAULTS TO 5 DAYS AFTER DATE NOV SENT)

*SEE BACK FOR SUGGESTED VIOLATION CAUSE/DESCRIPTION LIST

Investigator Signature: Ed J. Keypunch

Date: 04-13-87

Regional Director Signature: [Signature]

Date: 4/22/87

☐ Add
☐ Change
☐ Delete

BOLDFACED ITEMS ARE REQUIRED

AIR POLLUTION COMPLAINT FORM
Basic Complaint Information

DISTRIBUTION:
 White - Region/Local Program
 Green - Region/Local Program
 Canary - Key punch/Region
 Pink - Investigator/Key punch

Complaint Number (from Complaint Log): 050874035

*Referred By Name/Phone: _____

Date Complaint Received (as MMDDYY) 04/09/87Number of Complainants 001*Form of Complaint T*Complaint Effect G*Complaint Type OCounty SAN PABLO

Area Number (as defined within each region) _____

ATTACHMENT

Complainant Information

Name: MRS. BRONDA JAMES (ANDERSON) Phone: (512) 7762277Address: PONYERS CIRCLE OF BURNING ROAD FM 2725, ACROSS FM FRC (ENERGY) CO.City: INGLESIDE Zip: 78362Description of Problem: NAUSEATING ODOR COMING FROM THEGENERAL DIRECTION OF FRC (ENERGY) CO.Date Occurred: 4-8 APRIL - 9 Times: W/SOUTHEASTERLY BREEZESSource Name: FRC ENERGY CO. Address: FM 2725 + BISHOP RD., INGLESIDEReceived By: ED J. KASPAZYK

Disposition

Date Complaint Deactivated (as MMDDYY) _____ Rule Violated: 101.4112Investigation Number 213128A Date Investigated: 04/09/87

Date Complainant Notified of Board Meeting (as MMDDYY) _____

Date Complainant Notified of Final Resolution (as MMDDYY) _____ (Written Only)

Comments: STRONG ODOR OF PHENOL, MUSTY-TYPE SOLVENT-
COMPOUND WAS COMING FROM THE AREA NEAR THE BACK
SIDE, EAST SIDE OF THE FRC ENERGY TANK FARM, AROUND
THE PIPEROCK NEAREST TO BISHOP ROAD. A PIPELINE
LOOK NBR / AT A SUPPORT STAND WAS LOCATED ON
4-10-87. A BLACK, PHENOLIC TYPE APPEARANCE WAS NOTED. MR.
CLAUDE RICHMOND, MGR. FRC-NEWTON WAS INFORMED OF THIS LOOK.

*SEE BACK FOR VALID CODES

Investigator Signature: _____

Date: 04-13-87

☒ Add
☐ Change
☐ Delete

BOLDFACED ITEMS ARE REQUIRED

AIR POLLUTION COMPLAINT FORM
Basic Complaint Information

DISTRIBUTION:
 White - Region/Local Program
 Green - Region/Local Program
 Canary - Key punch/Region
 Pink - Investigator/Key punch

Complaint Number (from Complaint Log): 050870037

*Referred By Name/Phone:

Date Complaint Received (as MMDDYY) 04/12/87 (BY TAPE MACHINES)Number of Complainants 001*Form of Complaint I*Complaint Effect G*Complaint Type OCounty SAN PATRICK CO.

Area Number (as defined within each region) _____

ATTACHMENT

Complainant Information

Name: MR. DAVID COSPAR Phone: (512) 7763427Address: END OF PRAYER CIRCLE OFF BISHOP RD - (NORTH OF FRC ENERGY CO.)City: INSIDE Zip: 78326Description of Problem: NAUSEATING, SOUR-MUSTY ODOR. A SOLVENT TYPE MUSTY ODOR IS COMING FROM THE DOWN WIND DIRECTION OF FRC ENERGY CO. ROTINERY ACROSS PRAYER CIRCLE.Date Occurred: 4/9 + 4/10/87 Times: WITH PLOUING SOUTHEASTERN WINDSSource Name: FRC ENERGY CO. Address: 500 ROBERT NARRAVINE - HOUSTON TX.Received By: DICK HINMAN / ED KASPERZYK (ON TAPE MACHINES)

Disposition

Date Complaint Deactivated (as MMDDYY) _____ Rule Violated: NONEInvestigation Number 213133A Date Investigated: 04/14/87 (EJK)

Date Complainant Notified of Board Meeting (as MMDDYY) _____

Date Complainant Notified of Final Resolution (as MMDDYY) _____ (Written Only)

Comments: LIGHT INTERMITTENT ODOR OF PHENOLS, SOUR-MUSTY TYPE SOLVENT / HYDROCARBON (MIXTURE?) WAS NOTED ABOUT 500-600 FEET OF PRAYER CIRCLE COMING FROM FRC ENERGY WHICH IS SOUTH TO SOUTHWEST OF PRAYER CIRCLE. A PIPE LEAK WAS DETECTED WITH A SPILL ACCUMULATION BY DICK HINMAN AND MYSELF. FRC'S FORMER P.T. MGR., CLAUDE RICHBY, WAS CONTACTED IN HOUSTON. HE SAID THAT PROVISIONS FOR A CLAMP DEVICE WOULD BE

*SEE BACK FOR VALID CODES OBTAINED BY MONDAY (04-13-87). SEE REPORT HEREIN.

Investigator Signature: Ed J. KasparzykDate: 04-13-87

☒ Add
☐ Change
☐ Delete

BOLD FACED ITEMS ARE REQUIRED

AIR POLLUTION COMPLAINT FORM
Basic Complaint Information

DISTRIBUTION:
 White - Region/Local Program
 Green - Region/Local Program
 Canary - Key punch/Region
 Pink - Investigator/Key punch

Complaint Number (from Complaint Log): 45057439

*Referred By Name/Phone: _____

Date Complaint Received (as MDDYY) 04-12-87

Number of Complainants 001

*Form of Complaint I

*Complaint Effect G

*Complaint Type O

County SAN PABLO

Area Number (as defined within each region) _____

ATTACHMENT

Complainant Information

Name: MRS. BRONDA SHEED

Phone: (512) 776-2297

Address: P.O. Box

PRAYER CIRCLE OFF BISHOP RD. FM 2725

City: INGLESIDE

Zip: 78362

Description of Problem: NAUSEATING MUSTY ODOR COMING FROM
THE GENERAL DIRECTION OF FRC REFINERY/ENERGY.

Date Occurred: PERIODICALLY

Times: WITH SOUTHEASTERN BREEZES (PROVOKING WIND)

Source Name: FRC REFINERY CO.

Address: FM 2725 AND BISHOP RD, INGLESIDE

Received By: TOM PALMER AT HOME ON 04-12-87

Disposition

Date Complaint Deactivated (as MDDYY) _____

Rule Violated: NONE

Investigation Number 213135A Date Investigated: 04/13/87

Date Complainant Notified of Board Meeting (as MDDYY) _____

Date Complainant Notified of Final Resolution (as MDDYY) _____ (Written Only)

Comments: NO ODOR WAS NOTED ON THE MORNING (~10AM)
OF THE INVESTIGATION. A MUSTY, PHENOLIC ODOR WAS
EMANATING FROM INSIDE THE FRC ENERGY REFINERY, NOW
SHUT DOWN AND IN BANKRUPTCY PROCEEDINGS. A PIPE (LINO) RACK
LEAK CONTINUES TO SEEP STEADILY AND IS CREATING
A SMALL AREA OF (POOLING SPILL) ODORS ON BISHOP ROAD. STRONG SOUTH-
EASTERN BREEZES TEND TO SWIRL THE ODOR AND VOLATILIZE THE PHENOLS.

*SEE BACK FOR VALID CODES PLEASE SEE REPORT NARRATIVE ON THIS FOLLOWUP.

Investigator Signature: _____

Ed J. Krupar Date: 04-13-87

2259 53610 1202022 559

SD-0054-N

FRC ENERGY COMPANY
7322 Southwest Freeway, Suite 850
Houston, Texas 77074
713/270-1300

ATTACHMENT

Crude Oil Topping Refinery
Ingleside, San Patricio County

April 9, 1987

NOV/COMPLAINT INVESTIGATIONS REPORT

<u>Complaint No.</u>	<u>Investigation No.</u>	<u>Nature of Complaint</u>	<u>Source</u>
050870035	213128A	Odor	Leaking Refinery Pipe
0037	33A		
0039	35A		

Investigation No. 213128A:

On Thursday, April 9, 1987, I investigated an odor complaint at the bankrupt, shut down FRC Energy Company (formerly Falcon Refinery and Texas Independent Refining) located at FM 2725 and Bishop Road in Ingleside. Mrs. Brenda Shedd and her son were interviewed at their home on Phayer Circle north of Bishop Road and to the northwest of the FRC Energy Company refinery. A strong, musty odor of Phenol and/or oxygenated alcohol Hydrocarbon or solvent compounds was perceived. Mrs. Shedd said that the odor began about two days prior to the date. She received the odor during the times when the southeasterly breezes (prevailing winds) cross FRC's property, which is to the southeast of the Shedd residence on Phayer Circle.

On this date, April 9, 1987, the source of the suffocating nuisance odor could not be detected. The odor caused nasal passage and mucous membrane irritations and would take one's breath away during wind gusts. A Notice of Violation (NOV) for violation of Texas Air Control Board (TACB) General Rule 101.4, nuisance prohibition, will be issued to FRC.

ATTACHMENT

Investigation No. 213133A:

On Friday, April 10, 1987, Dick Hinman of this office and I responded to another complaint by a resident on Phayer Circle, Mr. David Cospar, a neighbor across the street from Mrs. Brenda Shedd. Mr. Cospar was contacted by telephone before and after this visit on April 10. Upon investigation of the area within the refinery's tank farm, Dick Hinman and I noted a black, liquid substance beneath a pipeline rack on the north side of the refinery. The pipeline runs parallel to Bishop Road within the refinery fence line. Upon further investigation, we noted a leak in the third pipeline (10-inch diameter) pipe from Bishop Road. The black, thin liquid appeared to be either a solvent with hydrocarbon/carbon or a crude oil with solvents intermixed. The 10-inch diameter pipeline connects the tank farm in the refinery to a run-of-pipe from the docks on Corpus Christi Bay (Ingleside Channel) which were used to transfer hydrocarbon material into and out of the FRC tank farm. Mr. Tom Palmer, TACB Region 5 Director, and Mr. Bernie Duncan, Plant Manager of Advanced Resource Management (ARM) Refining Company, were contacted regarding this pipeline leak situation. Mr. Palmer contacted Mr. Claude Richey, Facilities Manager (formerly Plant Manager) for FRC in Houston. Mr. Richey stated that a pipe clamp/seal would be obtained from some sort of emergency funds by way of the bankruptcy trustees located in Lafayette, Louisiana. Due to the nature of the FRC bankruptcy, Mr. Richey stated that it would require several days to obtain any money for the pipeline leak repair.

Investigation No. 213135A (and Background Narrative):

On Monday, April 13, I investigated another odor complaint (No. 050870039) by Mrs. Brenda Shedd on the musty, phenol type odors from the leaking pipe at FRC Energy Company. Mr. Claude Richey could not be contacted for several days at FRC's Houston office. Mr. Bernie Duncan was contacted at ARM Refining Company off FM 2725 and Sunray Road. Mr. Duncan had offered assistance toward the repair and maintenance of the FRC pipe leak, since, Mr. Duncan said, he is the only small refinery person active in the Ingleside area (due to depressed oil prices) with knowledge

ATTACHMENT

of FRC's operations, personnel and its equipment. It is noteworthy to report that Mr. Bernie Duncan of ARM made numerous phone contacts for the Corpus Christi Region 5 office and offered to perform maintenance assistance for repair of FRC Energy's pipe leak if and when a pipe clamp to repair the leak was located or received. Mr. Duncan also performed maintenance to the FRC Energy's 'cherry picker' which was used to repair the pipe leak.

Mr. Palmer had spoken by telephone with Ms. Susan Bell, Texas Railroad Commission representative in Corpus Christi, on several occasions on April 15 and 16. Ms. Bell stated that Mr. Joe Lambert, a representative of the Texas Railroad Commission, had been in contact with the same complainants, Mrs. Brenda Shedd and Mr. David Cospar, on past problems experienced with spills and pipeline leaks, both on the FRC Energy premises and on property owned as pipeline right-of-way immediately to the north of the Shedd and Cospar residences on Phayer Circle. Mr. Lambert had contacted Tom Palmer at home on April 11, 1987 and indicated the RRC could not do more with the situation than was being done by the TACB.

Mr. Buddy Stanley of the Texas Water Commission (TWC) was also contacted several times by telephone concerning the FRC Energy pipeline leak. Mr. Stanley said that after working on several spill problems and spill clean-up situations following spills in the FRC Refinery property, that little or no response was obtained from FRC's principals/owners or from Mr. Claude Richey or from bankruptcy trust officials in Louisiana.

As of April 16, 1987, no repair had been made to the FRC pipe leak while northerly and northwesterly winds continued to push the odors from the leaking FRC Refinery pipe onto the refinery property and over into the dock areas on Corpus Christi Bay. Numerous telephone calls by the Corpus Christi Region 5 office and by Mr. Bernie Duncan of ARM received no response from Mr. Richey or FRC Energy's office (staff?) in Houston.

On April 16, 1987, Tom Palmer telephoned Ms. Christine March, Trustee for FRC Energy's bankruptcy trust in Lafayette, Louisiana (318/233-6200). Ms. March stated that she did not know of a Mr. Claude

ATTACHMENT

Richey and that he was not listed as an employee with FRC in Houston nor had he contacted her with regard to the spill. This denial by Ms. March of Mr. Richey's association with FRC was in direct conflict with statements made by Mr. Richey in telephone conversations with the writer on April 10-16, 1987. Ms. March promised to try to help with getting something done on the leak/spill.

On April 16, 1987 at 4:50 p.m., Mr. Richey called the Region 5 office and stated that due to the difficulties in obtaining money from the bankruptcy trust or the FRC principals and due to the fact that the principals were out of the country for the Easter week Holy Days, he, Mr. Richey, had obtained a 10-inch diameter pipeline clamp and that he would fly into Corpus Christi early on Friday morning, April 17, to repair the FRC pipe leak.

On April 17, 1987, the site was visited by Tom Palmer at approximately 9:00 a.m.; and there was no evidence of any repair activity. A visit on April 20 at 7:30 a.m. revealed that a pipe clamp had been placed on the pipe. A wooden block was left in place between the pipe and the pipe support, directly under the clamp. The 'cherry picker' was still parked next to the pipe rack. The final spill covered an area approximately 30 feet by 60 feet. No apparent attempt had been made to clean or cover the spill.

Mr. Bernie Duncan of ARM was contacted on April 21 by Tom Palmer; and Mr. Duncan agreed to cover the spill area with dirt or sand to eliminate the odor from the remaining liquid. Mr. Duncan called the Region 5 office at 1:40 p.m. on April 22 and indicated that they used a bulldozer to cover the area and that there was no further odor from the spill site. He indicated he would watch the site for any soak-through and would apply additional cover if necessary. Mr. Buddy Stanley of the TWC was notified of the action taken so that they could complete their file on the spill. Mrs. Brenda Shedd, complainant, was also contacted on April 22 to relate the information that the spill had been covered.

SUMMARY

A notice of the violations of Rule 101.4 will be issued to FRC covering the nuisance conditions that were noted. Of greater concern are the circumstances of this incident and the potential for future situations of this nature. The company has essentially abandoned the site, and no personnel are located in Ingleside. With no preventative maintenance on piping or process units, it is quite likely that a rust-through or break will occur someplace else. FRC will be asked to provide a response which describes what action they propose to assure a more timely response to future incidents of this nature.

ATTACHMENT

PS Form 3811, July 1983

SENDER; Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.

2. ☐ Restricted Delivery.

3. Article Addressed to:
Mr. Claude Richey
Falcon Refining Company
7322 Southwest Freeway, Suite 850
Houston, Texas 77074

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P 556 680 474

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
X *E. Sourness*

6. Signature - Agent
X

7. Date of Delivery
4/27/87

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

ATTACHMENT